

The Senate Transportation Committee offered the following substitute to HB 397:

A BILL TO BE ENTITLED
AN ACT

To amend provisions of the Official Code of Georgia Annotated relating to trucks; to amend Code Section 32-6-28 of the Official Code of Georgia Annotated, relating to permits for excess weight and dimensions, so as to provide for an annual permit for truck tractor trailers transporting loose bulk materials; to amend Part 3 of Article 1 of Chapter 8 of Title 40 of the Official Code of Georgia Annotated, relating to brakes, so as to update certain provisions relating to surge brakes; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Code Section 32-6-28 of the Official Code of Georgia Annotated, relating to permits for excess weight and dimensions, is amended designating the current subsection (d) as subsection (e) and by adding a new subsection (d) as follows:

"(d) Truck tractor trailers transporting loose bulk materials such as, but not limited to, liquids, loose grain, powders, or brewers yeast, may obtain a trip or annual multitrip permit to deviate from inner-bridge requirements when traveling on interstate highways, provided that the vehicle must comply with all outer-bridge and axle weight requirements. The cost of the annual permit shall be \$75.00."

SECTION 2.

Part 3 of Article 1 of Chapter 8 of Title 40 of the Official Code of Georgia Annotated, relating to brakes, is amended by revising Code Section 40-8-50, relating to brakes required on motor vehicles, as follows:

"40-8-50.

(a) As used in this Code section, the term:

(1) 'Gross combination weight rating (GCWR)' means the combined gross vehicle weight ratings of all vehicles in a combination of vehicles.

(2) 'Gross vehicle weight rating (GVWR)' means the value specified by the manufacturer or manufacturers as the maximum loaded weight of a single or a combination (articulated) vehicle, the actual gross weight, or registered gross weight, whichever is greater.

(3) 'Hazardous material' has the meaning provided by Chapter 51 of Title 49 of the United States Code Annotated.

(4) 'Surge brakes' means ~~a system of brakes on a trailer or semitrailer in which the trailer service brakes are activated as a result of the forward pressure of the trailer against the towing vehicle during deceleration~~ self-contained, permanently closed hydraulic brake system for trailers that relies on inertial forces, developed in response to the braking action of the towing vehicle, applied to a hydraulic device mounted on or connected to the tongue of the trailer to slow down or stop the towed vehicle.

(b) Every motor vehicle, other than a motorcycle or motor driven cycle, when operated upon a highway shall be equipped with brakes adequate to control the movement of and to stop and hold such vehicle, including two separate means of applying the brakes, each of which means shall be effective to apply the brakes to at least two wheels. If these two separate means of applying the brakes are connected in any way, they shall be so constructed that failure on any one part of the operating mechanism shall not leave the motor vehicle without brakes on at least two wheels.

(c) Every motorcycle and motor driven cycle manufactured after January 1, 1974, when operated upon a highway, shall be equipped with at least two brakes which may be operated by hand or foot.

(d) Except as otherwise provided in subsection (e) of this Code section, every trailer or semitrailer of 3,000 pounds gross weight or more shall be equipped with brakes on all wheels. Any farm trailer with two or more wheels, pulled from a tongue, used in or operated for farm purposes, including transporting fertilizer and agricultural materials to the farm, shall not be required to have an independent braking system thereon, provided such farm trailer shall not weigh over 4,000 pounds when empty.

(e) Any trailer or semitrailer may utilize surge brakes, subject to the following conditions and limitations:

(1) The gross vehicle weight rating or the actual gross weight of any surge brake equipped trailer or semitrailer does not exceed 20,000 pounds ~~The vehicle or combination of vehicles does not include a vehicle designed or used to transport 16 or more passengers, including the driver;~~

(2) For trailers and semitrailers with a gross vehicle weight rating of 12,000 pounds or less, the gross vehicle weight rating of any such trailer shall not exceed 1.75 times the

gross vehicle weight rating of the towing vehicle ~~The trailer or semitrailer has a gross vehicle weight rating which does not exceed 12,000 pounds;~~

(3) For trailers and semitrailers with a gross vehicle weight rating greater than 12,000 pounds, but less than 20,001 pounds, the gross vehicle weight rating of any such trailer shall not exceed 1.25 times the gross vehicle weight rating of the towing vehicle ~~The combination of vehicles does not exceed a gross combination weight rating of 26,000 pounds;~~

(4) The actual gross weight of the trailer or semitrailer and load does not exceed the manufacturer's gross vehicle weight rating;

(5) The trailer or semitrailer brakes must be designed and connected in such a manner that in case of accidental breakaway of the towed vehicle the brakes shall apply automatically; and

~~(6) The trailer or semitrailer is not used to transport hazardous materials in a type and quantity which requires placarding;~~

~~(7) The trailer or semitrailer is not used to transport liquids or gases contained in packaging which exceeds 119 gallons capacity; and~~

~~(8)~~(6) For vehicles used for commercial purposes, the vehicle or combination of vehicles ~~is used only in intrastate commerce and~~ complies in all other respects with licensing, insurance, registration, identification, driver and vehicle safety, and hazardous materials regulations of the Department of Public Safety and United States Department of Transportation applicable to such vehicles or combination of vehicles.

(f) Where there is no manufacturer's gross vehicle weight rating or the manufacturer's gross vehicle weight rating is exceeded in violation of paragraph (4) of subsection (e) of this Code section, then the actual gross weight of the trailer or semitrailer shall be used to determine compliance with paragraphs (2) and (3) of subsection (e) of this Code section."

SECTION 3.

This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval.

SECTION 4.

All laws and parts of laws in conflict with this Act are repealed.